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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,248	11/17/2003	David M. Tucker	205-0034USRI	5207
90116 7590 06/21/2010 (Weatherford) Wong Cabello Lutsch Rutherford &			EXAMINER	
Brucculeri LLP			ROGERS, DAVID A	
20333 Tomball Parkway, 6th floor Houston, TX 77070			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			06/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Commons	10/716,248	TUCKER ET AL.				
Office Action Summary	Examiner	Art Unit				
	DAVID A. ROGERS	2856				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on 23 Fe	bruary 2009.					
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3) Since this application is in condition for allowan	/ 					
closed in accordance with the practice under E.	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-10</u> is/are pending in the application.						
, <u> </u>	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-10</u> is/are rejected.	· <u> </u>					
7) Claim(s) is/are objected to.						
	· <u> </u>					
Application Papers						
·· _						
9) The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
,	2) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
·—	a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No					
<u> </u>						
_ · · · · · · · · · · · · · · · · · · ·	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P					
Paper No(s)/Mail Date <u>10/09/2009</u> . 6) Other:						

DETAILED ACTION

1. In accordance with 37 C.F.R. 1.175(b)(1), a supplemental reissue oath/declaration under 37 C.F.R. 1.175(b)(1) must be received before this reissue application can be allowed. The claim(s) filed on 23 February 2009 have been amended beyond the scope of the claims filed 18 May 2007. See, for example, claim 1 now five times amended and including the following:

--mounted on the test and fill package wherein the test and fill package mounted pump or pumps are dimensioned for cleaning, dewatering, and pressurizing to a sufficiently high pressure for--

Thus the supplemental oath/declaration filed on 30 August 2007 is defective as it does not cover the error(s) corrected in the current claims.

Claims 1-10 are rejected as being based upon a defective reissue oath under 35 U.S.C. 251. See 37 C.F.R. 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 C.F.R. 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

See MPEP § 1414.01.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action

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and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date

the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DAVID A. ROGERS whose telephone number is

(571)272-2205. The examiner can normally be reached on Monday - Friday (0730 -

1600). If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David A. Rogers/

Primary Examiner, Art Unit 2856